

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51994 of 2019

Arising Out of PS. Case No.-236 Year-2016 Thana- BELHAR District- Banka

=====

KARU CHOUDHARY Son of Late Jhari Choudhary Resident of Village-
Ghogha, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim, has
renewed his prayer for bail in a case registered for the offences
punishable under Sections 328 and 302/34 of the IPC.

The prosecution case, as per the written report of Asha
Devi, Submitted to the S.H.O., Belhar Police Station is to the
effect that the daughter of the informant, Mala Devi was married
with the petitioner in the year 1990. The married life was happy
for 25 years, but after 25 years of the marriage, the petitioner
performed second marriage and thereafter, the daughter of the
informant was subjected to torture by all the accused persons
including the petitioner. On 27.06.2016, all the accused persons



including the petitioner forcefully administered poison, as a result the daughter of the victim died.

It is submitted by learned counsel for the petitioner that the accusation is based on suspicion. The postmortem report reflects no injury on the body of the victim, hence cause of death has not been ascertained and viscera has been kept preserved. The petitioner is languishing in custody since 24.08.2017. It is further submitted that charges were framed in May, 2018, but till date, no witness has been examined and considering the same, the second wife of the petitioner, Kajal Devi, whose bail was also rejected along with the petitioner, however, the same Co-ordinate bench of this Court granted bail to her, vide order dated 23.01.2019, passed in Cr. Misc. No. 72508 of 2018. Moreover, since the court in physical mode is not functional due to pandemic, Covid-19, there is no likelihood of the trial being concluded in near future.

Learned counsel for the State submits that the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the fact that impugned order does not suggest any injury, particularly resisting injury on the body of the victim, which substantially clouds the accusation of forceful



administration of poison, the investigation has already been concluded and the fact that other co-accused person has been granted bail by a Co-ordinate bench of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-I, Banka in connection with S. T. No. 73 of 2018, arising out of Belhar P.S. Case No. 236 of 2016.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with S. T. No. 73 of 2018, arising out of Belhar P.S. Case No. 236 of 2016.

The learned Court below will be at liberty to extend



the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

